

CLERK US DISTRICT COURT
NORTHERN DIST. OF TX
FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

2016 OCT 25 PM 3:57

DEPUTY CLERK



JOHN ROBERT WHIRTY,

Petitioner,

v.

LORIE DAVIS, Director,
Texas Department of Criminal Justice,
Correctional Institutions Division,

Respondent.

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2:15-CV-0196

ORDER OVERRULING OBJECTIONS,
ADOPTING REPORT AND RECOMMENDATION
and DENYING PETITIONERS' RULE 59(e) MOTION
TO ALTER OR AMEND JUDGMENT

Petitioner has filed with this Court a timely motion to alter or amend judgment pursuant to Federal Rule of Civil Procedure 59(e) seeking to modify the denial of his petition for a federal writ of habeas corpus. On October 4, 2016, the United States Magistrate Judge issued a Report and Recommendation in this cause, recommending therein that the motion to alter or amend judgment be denied. On October 13, 2016, petitioner filed objections to the Magistrate Judge's Report and Recommendation.


The undersigned United States District Judge has made an independent examination of the record in this case and has considered the objections made by petitioner to the Report and Recommendation. The objections filed by petitioner are without merit and are hereby OVERRULED. Petitioner's motion to alter or amend judgment is without merit. Accordingly, the Magistrate Judge's Report and Recommendation is hereby ADOPTED, and the motion to

alter or amend judgment is DENIED.

The Court finds no irregularities in the underlying state habeas proceedings, or any other irregularities affecting the validity of petitioner's conviction or sentence or the constitutionality of his current confinement. Petitioner's state conviction and sentence remain final, intact and enforceable.

IT IS SO ORDERED.

ENTERED this 25th day of October 2016.



MARY LOU ROBINSON
UNITED STATES DISTRICT JUDGE